

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
DEC 05 2007

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY LEE BURKE, JR.,

Defendant.

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CR 07-40052

ORDER

Counsel for Defendant Jeffrey Lee Burke, Jr., has filed a First Motion to Continue, Doc. 79, requesting the plea deadline and trial date be continued for a period of three (3) weeks, and the Government does not object to a continuance, and after consideration of the file in this matter, the Court finds that failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and further that failure to grant the continuance would deny the public interest in bringing this case to trial in an orderly fashion. Further, the Court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the Defendant in a speedy trial. For all of those reasons as well as those set forth in the Motion,

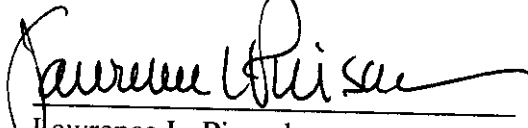
IT IS ORDERED:

1. That the Defendant's First Motion to Continue, Doc. 79, is granted.
2. That December 10, 2007, is hereby set as the deadline for submission to the Court of any proposed plea agreement by Defendant.
3. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
4. That the jury trial herein shall commence in Sioux Falls, South Dakota, on Wednesday, January 2, 2008, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.

5. That the period of delay resulting from such continuance is excluded in computing the time within which the trial of the offense for the Defendant must commence, as the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Dated this 5th day of December, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: Shelly Margulies
DEPUTY